

MND-759  
(5/2005)

MISSISSIPPI DEPARTMENT OF TRANSPORTATION  
SPECIAL USE HERBICIDE PERMIT

This permit, number \_\_\_\_\_, is issued to and authorizes the employees and and/or agent(s) of \_\_\_\_\_ to enter upon highway right of way for the purposes of spraying, and/or applying herbicides to control vegetation that could adversely affect utility lines subject to the following rules and regulations:

1. The APPLICANT does hereby covenant and agree to indemnify and hold harmless the MISSISSIPPI TRANSPORTATION COMMISSION and the MISSISSIPPI DEPARTMENT OF TRANSPORTATION from and against any claims, actions, suits, causes or demands, including court costs and reasonable attorneys' fees, proximately resulting from acts or omissions of the APPLICANT, or APPLICANT'S servants, agents or employees in the construction and maintenance of all facilities outlined under this permit application.
2. The applicant will file with the Department's applicable District office, a Certificate of Insurance indicating ownership of liability insurance coverage against bodily injury, death and property damage in the minimum amount of \$100,000 against bodily injury or death of one person in any one accident, a minimum of \$300,000 against bodily injury or death of two or more persons in any one accident, and not less than \$50,000 for any property damage to the right of way or facilities thereon.
3. The applicant shall submit a Performance Bond, Form MND-603, and Agreement, Form MND-012, to the District Engineer. The amount of the Performance Bond, (\$5000 min.), shall be determined by the District Engineer based upon the proposed work.

The Performance Bond is to be payable to the "Mississippi Transportation Commission" and is to run concurrently with the permit; and said bond shall be forfeited to the Commission in the event of either:

- (a) A violation of the conditions and regulations as listed herein; **OR**
  - (b) Upon failure of applicant, as the result of their vegetation control operations, to leave the work site in an acceptable condition as defined in Rule 941-7501-03005, Clearing and Pruning of Trees and Other Vegetation for Utility Lines.
4. Both the certificate of insurance required in Paragraph 2 and the Performance Bond required in Paragraph 3 must be either issued or countersigned by a Resident Mississippi Agent.
  5. At any location, the Department has the right to reject a request for chemical vegetation control if it will create severe erosion problems, open up unsightly views from the right of way or create adverse environmental and/or public reactions.

SPECIAL USE HERBICIDE PERMIT (CONTINUATION)

6. The applicant or agent(s) shall not impede traffic of the highway in performing the work. The applicant or agent(s) accepts the responsibility for the safety of the traveling public and his/her workers and agrees to furnish, place and maintain traffic control devices, if required, in accordance with Part 6 of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), Current Edition, as a minimum.
7. The applicant or agent(s) shall not chemically spray vegetation whose height exceeds ten (10) feet. Exceptions to the requirement must be approved by the District Engineer and State Maintenance Engineer.
8. Aerial spraying will be considered by the Department on a case by case basis. If permitted, the applicant or agent(s) shall forward to the District Engineer, for his/her review, complete details on the method(s) to be used and equipment involved in the aerial spraying operation.
9. The applicant or agents(s) ***must*** comply with the label for the herbicides used as a part of this permit.
10. The applicant or agents(s) shall not spray a herbicide over water unless it is permissible by the manufacturer's label.
11. The applicant or agent(s) must submit to the Department proof of certification or license to apply herbicides in Mississippi.
12. The permit will begin on \_\_\_\_\_ and expire on \_\_\_\_\_ unless cancelled, suspended, or revoked prior to the expiration date. It is agreed that this permit is void if the proposed work is not completed within the specified time period.
13. The applicant shall complete a Herbicide Management Plan, Form MND-760, for each county in which the applicant or agent(s) will be spraying and/or applying herbicides on highway right of way. The applicant shall submit the required documents to the appropriate District Engineer or his/her designee for their review and, if acceptable, will forward the documents to the State Maintenance Engineer for approval and distribution. Upon receipt of an approved permit, the applicant or agent(s) must notify the appropriate District Engineer or his/her designee at least twenty-four (24) hours prior to beginning work.

Issued at Jackson, Mississippi this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Chief Engineer

BY: \_\_\_\_\_  
State Maintenance Engineer